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COMMUNICATION UNDER 37 CFR
1.116, EXPEDITED PROCEDURE
EXAMINING GROUP 1804

PATENT

By John D. Farrell Dallas

Atty. Docket No. 016243-000150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard H. Tullis

Serial No.: 08/078,768

Filed: June 16, 1993

For: OLIGONUCLEOTIDE
THERAPEUTIC AGENT AND
METHODS OF MAKING SAME

Examiner: J. Martinell

COMMUNICATION UNDER 37 CFR
1.116 EXPEDITED PROCEDURE -
EXAMINING GROUP 1804

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Box AF
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Washington, D.C. 20231

Sir:

In response to the Final Office Action mailed November 28, 1995, Applicant submits the following Remarks and Rule 132 declarations. A petition for a 2 month extension of time is also enclosed.

This Amendment generally follows the proposed response discussed during the interview on March 13, 1995. Two significant changes have been introduced in view of the Examiner's helpful comments. The Examiner expressed reservations regarding how one of skill would have known which prior art references disclosing stabilized oligonucleotides were useful in the invention and whether "later state of the art" references were properly considered by him if a rejection was solely under §112. In response, the declarants now have provided objective reasons why one of skill would have found the specification to be an adequate teaching. In addition, this Communication now includes a legal explanation regarding the proper use of "later state of the art" references.

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